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In re Application of :

Michael C. Scroggie et al.	:	
Application No.: 09/756,788	:	DECISION ON PETITIONS
Filed: January 10, 2001	:	REGARDING RESTRICTION
Attorney Docket No.: CAT/29US-SCRC03	:	REQUIREMENTS
For: SYSTEM AND METHOD FOR PROVIDING	:	UNDER 37 CFR 1.144
SHOPPING AIDS AND INCENTIVES TO	:	
CUSTOMERS THROUGH A COMPUTER	:	
NETWORK	:	

This is in response to the petition filed February 3, 2005 requesting that the restriction mailed October 29, 2004 be withdrawn and that a supplemental appeal brief be reinstated. This is also in response to the petition filed July 1, 2005 requesting that the restriction mailed April 18, 2005 be withdrawn and that a supplemental appeal brief be reinstated.

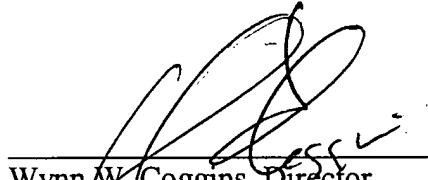
These petitions are both **DISMISSED as moot**.

A review of the record reveals that a restriction requirement was mailed October 29, 2004. Applicant responded with an election with traverse on January 28, 2005. In light of applicant's traversal, a second restriction requirement was mailed April 18, 2005 employing a different rationale for restriction. Applicant responded with a second election with traverse on June 24, 2005. On September 17, 2008, a non-final Office action was mailed treating all currently pending claims that were subject to the previous restrictions. Applicant then filed an amendment on September 29, 2008, responding to the non-final action and advancing prosecution of the application.

As noted above, the petitions of February 3, 2005 and July 1, 2005 both seek relief from respective restriction requirements and seek reinstatement of respective supplemental appeal briefs. Because the second restriction of April 18, 2005 replaced the first restriction of October 29, 2004, the issues raised in the first petition dated February 3, 2005 regarding the first restriction are no longer pending. The first petition dated February 3, 2005 is moot. Further, the issues raised in the second petition dated July 1, 2005 regarding the second restriction are also rendered moot by the non-final action of September 17, 2008 which treated all pending claims 32-91 that were subjected to the second restriction mailed on April 18, 2005.

With respect to the reinstatement of respective appeal briefs sought by the petitions of February 3, 2005 and July 1, 2005, because the non-final action of September 17, 2008 introduced new grounds of rejection and because applicant advanced prosecution by filing the amendment on September 29, 2008 to respond to said Office action, including amendments to the claims, the rejections made in the previous Office actions that were subjected to appeals are no longer pending. There is no need to reinstate prior appeal briefs directed to grounds of rejection that are no longer an issue in the application.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Lynda Jasmin at (571) 272-6782.



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